

**U.S. Citizenship
and Immigration
Services**

June 21, 2018

APP2018000913

Azadeh N. Shahshahani
Project South
9 Gammon Avenue, SE
Atlanta, GA 30315

Dear Mr. Shahshahani:

Re: NRC2018072037

You appealed the action of the National Records Center regarding your request for access to records pertaining to Yulio Castro Garrido, dated May 16, 2018.

You have appealed a USCIS denial of expedited processing based on an urgency to inform the public about an actual or alleged federal government activity, if made by a person who is primarily engaged in disseminating information.

You state that failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual, stating that at least 179 immigrants have died in detention since 2003, a number which includes 12 in FY 2017. You assert that disclosure of the information surrounding the treatment and death of Mr. Castro, as well as the medical standards, protocols, and overall conditions at SDC will help you to identify the problems at SDC that have led to deaths of individuals in ICE custody. Mr. Castro's alien registration file contains his death certificate, but does not contain information surrounding his treatment, medical standards, protocols, or overall conditions at SDC.

You also assert that expedited processing is necessary to provide Mr. Castro's wife and family with information regarding the circumstances of Mr. Castro's death, however, that is not a statutory or regulatory basis for consideration in a decision to grant or deny expedited processing, furthermore, as previously stated, Mr. Castro's alien registration file contains his death certificate, but does not contain other information surrounding the circumstances of his death.

In an effort to process FOIA requests in a manner designed to be fair and expeditious, USCIS, which annually receives over twenty-five percent of the government's total FOIA requests, has adopted a policy of processing FOIA requests on a first-in/first-out basis. USCIS's first-in/first-out processing protocol is consistent with the requirements set forth by federal courts in Open America v. Watergate Special Prosecution Force, 547 F.2d 605 (D.C. Cir. 1976) and Exner v. FBI, 612 F.2d 1202 (9th Cir. 1980).

I am not convinced that it is necessary to deviate from USCIS's established procedures for processing FOIA requests in the order they are received. Doing so would cause undue delay in responding to other FOIA requesters whose requests were submitted ahead of yours and could subject USCIS to penalties for

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not meeting FOIA's statutory requirements for responding to FOIA requests in a timely fashion. Therefore I will affirm the decision of the NRC to deny expedited processing of your FOIA request.

USCIS has no intention of delaying release of the information. The National Records Center recognizes the seriousness of your request and considers it a priority, albeit a priority among priorities. USCIS will strive to provide a response as soon as possible and in accordance with the requirements of FOIA and agency procedures.

If you are dissatisfied with our action on your appeal, you may seek judicial review in accordance with 5 U.S.C. § 552(a)(4)(B).

The Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal Agencies. The OGIS does not have the authority to handle requests made under the Privacy Act of 1974. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road – OGIS
College Park, MD 20740-6001
Telephone: 202-741-5770
877-684-6448
Email: OGIS@NARA.GOV
Website: OGIS.ARCHIVES.GOV

The OGIS does not have the authority to handle requests made under the Privacy Act of 1974.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan D. Hughes", with a stylized, flowing script.

Alan D. Hughes, Associate Counsel
Commercial and Administrative Law Division
Department of Homeland Security
Citizenship and Immigration Services